

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Benjamin Joseph Allison v Dept of Corrections**

Docket No. **294281**

L.C. No. **81-023561-FY**

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The original complaint for habeas corpus is DISMISSED for lack of jurisdiction because appellant has failed to show either that there is no judge in the county in which he is detained who is empowered and available to issue the writ or that the circuit court for that county has refused to issue the writ. MCR 3.303(A)(2).

The motion for an order to show cause is DENIED as moot.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN - 6 2010

Date

Sandra Schultz Mengel
Chief Clerk